

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

ORDER OF JUDICIAL REMOVAL

- against -

Criminal Docket No. 21 Cr. 209 (PAC)

HECTOR ROLANDO MENDEZ BAILON

Defendant.

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Upon the application of the United States of America, by Samuel P. Rothschild, Assistant United States Attorney, Southern District of New York; upon the Factual Allegations in Support of Judicial Removal; upon the consent of HECTOR ROLANDO MENDEZ BAILON (the “defendant”); and upon all prior proceedings and submissions in this matter; and full consideration having been given to the matter set forth herein, the Court finds:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native and citizen of Ecuador.
3. The defendant was admitted to the United States on or about May 20, 2018 at or near Miami, Florida as a non-immigrant temporary visitor for pleasure (B2) with authorization to remain in the United States until November 19, 2018. The defendant remained in the United States beyond November 19, 2018 without authorization from the United States Department of Homeland Security.
4. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court, Southern District of New York, of the following offense: conspiring to distribute and possess with intent to distribute 500


grams and more of mixtures and substances containing a detectable amount of cocaine, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B).

5. A total maximum sentence of forty years' imprisonment may be imposed for the above-mentioned offense.
6. The defendant is subject to removal from the United States pursuant to (1) Section 237(a)(1)(B) of the Immigration and Nationality Act of 1952, as amended ("Act"), 8 U.S.C. § 1227(a)(1)(B), in that after admission as a nonimmigrant under Section 101(a)(15) of the Act, he has remained in the United States for a time longer than permitted; (2) Section 237(a)(2)(A)(i) of the Act, 8 U.S.C. § 1227(a)(2)(A)(i), as an alien who committed a crime involving moral turpitude within five years after the date of admission and was convicted of a crime for which a sentence of one year or longer may be imposed; and (3) Section 237(a)(2)(A)(iii) of the Act, 8 U.S.C. § 1227(a)(2)(A)(iii), as an alien who is convicted of an aggravated felony, as defined under section 101(a)(43)(B) of the Act, 8 U.S.C. § 1101(a)(43)(B), at any time after admission.
7. The defendant has waived his right to notice and a hearing under Section 238(c) of the Act, 8 U.S.C. § 1228(c).
8. The defendant has waived the opportunity to pursue any and all forms of relief and protection from removal.
9. The defendant has designated ECUADOR as the country for removal pursuant to Section 240(d) of the Act, 8 U.S.C. § 1229a(d).

WHEREFORE, IT IS HEREBY ORDERED, pursuant to Section 238(c) of the Act, 8 U.S.C. § 1228(c), that the defendant shall be removed from the United States promptly upon his

release from confinement, or, if the defendant is not sentenced to a term of imprisonment, promptly upon his sentencing, and that the defendant be ordered removed to ECUADOR.

Dated: New York, New York
10/7/, 2021



HONORABLE PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE